

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MC ALLEN DIVISION**

McAllen Grace Brethren Church, et al.,

Plaintiffs,

v.

Case No. 7:07-cv-60

**Ken Salazar, Secretary of the
Department of the Interior**

Defendant.

DECLARATION OF R. LEE FLEMING

I, R. Lee Fleming, do hereby state as follows:

1. I am the Director of the Office of Federal Acknowledgment (OFA) within the Department of the Interior (Department), which has responsibility for matters arising out of Indian relations with the United States.
2. As Director of the OFA, I oversee its operations, including the compilation and maintenance of administrative files and documented petitions for acknowledgment under the Department's Procedures for Establishing that an American Indian Group Exists as an Indian Tribe, 25 C.F.R. Part 83.
3. I have custody and control of the OFA's files, including the letters of intent to petition from the Lipan Apache Band of Texas, Inc., Petitioner #211, and the Lipan Apache Tribe of Texas, Petitioner #333, and associated administrative files.
4. Attached to this Declaration is a true and correct copy of the letter of intent to petition from the Lipan Apache Band of Texas, Inc., dated May 26, 1999, and a true and correct copy of the letter of intent to petition from the Lipan Apache Tribe of Texas, dated February 22, 2011.

5. The Lipan Apache Band of Texas, Inc. has not submitted a documented petition. The Lipan Apache Tribe of Texas just submitted material on May 10, 2012, for its documented petition for acknowledgment. Consequently, the Department has not been able to provide or has yet to provide either group with a technical assistance review letter as required under 25 C.F.R. § 83.10(b), and these groups have not proceeded through or completed the process that determines whether a group should be acknowledged as a federally-recognized Indian tribe.

6. Therefore, neither the Lipan Apache Band of Texas, Inc. nor the Lipan Apache Tribe of Texas is a federally-recognized Indian tribe as defined in 25 C.F.R. § 83.1.

I declare under penalty of perjury that the foregoing is true and correct to the best of my current knowledge.

Executed in Washington, DC on May 17, 2012.

A handwritten signature in black ink, appearing to read "R. Lee Fleming", is written over a horizontal line.

R. Lee Fleming
Director, Office of Federal Acknowledgment
Department of the Interior
1951 Constitution Ave., N.W.
Washington, DC 20240



Lipan Apache Band of Texas, Inc.
109 Clifford Ct., San Antonio, Texas 78210
Email: lipanchief@hotmail.com

General Council

Beneard F. Barcena, Jr.

Dave Ortiz

Robert Soto

Tomas Tabares Ramirez

Daniel Castro Romero, Jr.

RECEIVED
MAY 26 1999
BIA, Branch of Acknowledgment
and Research

Assistant Secretary of Indian Affairs
Department of Interior
ATTN: Branch of Acknowledgement and Research
MS 2611-MIB, 1849 "C" Street N.W.
Washington, D.C. 20240

May 8, 1999

RE: FEDERAL RECOGNITION OR ACKNOWLEDGEMENT

Dear Assistant Secretary of Indian Affairs:

As the General Council of the Lipan Apache Band of Texas, Inc. we submit our letter of intent and petition for federal recognition or acknowledgment as outlined in 25 CFR 83.4.

This letter serves to notify the Branch of Acknowledgment and Research that the descendants of the Lipan Apache's of Texas, who wish to establish themselves as a viable and sovereign tribal and/or nation of a Native American group.

Daniel Castro Romero, Jr.
General Council Chairman

Bernard F. Barcena, Jr.
General Council 1st Vice-Chairman

Robert Soto
General Council 2nd Vice-Chairman

Dave Ortiz
General Council Secretary

Tomas Tabares Ramirez
General Council Treasure





LIPAN APACHE TRIBE OF TEXAS

P.O. Box 8888

Corpus Christi, TX 78468

www.lipanapachetribe.org 361-215-5121



RECEIVED

FEB 22 2011

ASIA-OFA

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Assistant Secretary – Indian Affairs
Attn: Office of Federal Acknowledgment
Mailstop MS-34B-SIB
1951 Constitution Avenue, NW
Washington, D.C. 20240

Dear Assistant Secretary – Indian Affairs:

The Lipan Apache Tribe of Texas is writing to express its intention to submit a documented petition for the Federal acknowledgment process under Title 25, Code of Federal Regulations, Part 83 (25 CFR Part 83), *Procedures for Establishing That an American Indian Group Exist as an Indian Tribe*. This letter of intent is filed in advance of our group's documented petition.

Further, this letter of intent is signed by the members of the governing body of the Lipan Apache Tribe of Texas and submitted to the Assistant Secretary – Indian Affairs. At a meeting of the Lipan Apache Tribe of Texas on November 27, 2010, the undersigned elected to pursue Federal Acknowledgment under 25 CFR Part 83.

Sincerely,

Chairman: Bernard Barcena Jr.

Vice-Chairman: Robert Soto

Homeland Administrator: Tom Castillo

Treasurer: Juan Soliz

Secretary: Juan Garcia

Clerk of the Nation: Alma Cruz

Curator: Jose Gonzalez



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General Council Member: Joanna Soliz


General Council Member: Jose Castro


General Council Member: Ludivina Longoria

November 27, 2010

Date